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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,929	12/18/2000	Thomas N. Marieb	42390P10637	4878
8791	7590	03/02/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			HOANG, QUOC DINH	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/739,929	MARIEB ET AL.	
	Examiner	Art Unit	
	Quoc D Hoang	2818	<i>pu</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of specie I (claims 1-4 and 7-9) in Paper No. 01/23/2004 is acknowledged.

Response to Preliminary Amendment

2. Preliminary Amendment filed on 01/23/2004 has been entered and made of record as Paper No. 01/23/2004. In Preliminary Amendment, claims 5, 6 and 10-30 have been canceled. Claims 1-4 and 7-9 are pending in the application.

Information Disclosure Statement

3. The information disclosure statement (IDS) filed on 10/21/2002 and made record as Paper No. 10/2002. The references cited on the PTOL 1449 form have been considered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Claims 1-4 and 7-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in the specification or in any Figures 1-3 shows or discloses the limitation "plating a layer of Cu over **a substrate**" in claim 8, line 3. Also, in claim 3 and 4, the limitation "**a diffusion barrier layer**" does not disclose or show anywhere in the specification or in any Figures 1-3.

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Claims 4 and 7-9 are also rejected because they depend on rejected claims

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4 and 7-9, as best understood, are rejected under 35 U.S. C. 102(e) as being anticipated by Besser et al., (U.S. Pat 6,689,689) ("Besser").

Regarding claim 1, Besser teaches a method of forming a Cu alloy, comprising: plating a Cu layer 5 over a patterned dielectric layer 3 (col. 3, lines 20-25 and col. 9, lines 29-40 and Fig. 2); forming a dopant layer 7 comprising Al or Co over the Cu layer 5 (col. 9, lines 55-67, col. 10, lines 1-40 and Fig. 2); driving dopants from the dopant layer 7 into the Cu layer 5 (col. 10, lines 40-60 and Fig. 2); and removing the dopant layer 7 (col. 10, lines 60-67 and Fig. 2).

Regarding claim 4, Besser teaches wherein forming a dopant layer 7 comprises plating a layer of metal (col. 9, lines 55-67).

Regarding claim 7, Besser teaches wherein plating the Cu layer 5 comprises electroplating (col. 3, lines 20-25).

Regarding claim 8, Besser teaches wherein plating the Cu layer 5 comprises electroless deposition (col. 3, lines 20-25).

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Regarding claim 9, Besser teaches wherein driving dopants from the dopant layer 7 into the Cu layer 5 comprises elevating the temperature of the dopant layer 7 and the Cu layer 5 to between 300°C and 400°C (col. 10, lines 40-60 and Fig. 2).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc Hoang whose telephone number is (571) 272-1780. The examiner can normally be reached on Monday-Friday from 8.00 AM to 5.00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone numbers of the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Quoc Hoang
Patent examiner/AU 2818


David Nelms
Supervisory Patent Examiner
Technology Center 2800